

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LYNADA LATICIA MAHONE,

Defendant.

No. CR-18-18-H-SEH

ORDER

On June 2, 2020, Defendant Lynada Laticia Mahone (“Mahone”) moved the Court to modify her imprisonment, citing the First Step Act and 18 U.S.C. § 3582(c)(1)(A).¹ The request was denied on June 19, 2020.² Any notice of appeal from the denial was due on or before July 6, 2020.³ Mahone filed her Notice of Appeal on July 7, 2020.⁴

The Ninth Circuit remanded the matter to this Court “for the limited purpose of permitting the district court to provide appellant [Mahone] notice and an

¹ See Doc. 25 at 2–3.

² See Doc. 26 at 3.

³ See Fed. R. App. P. 4(b)(1)(A), 26(a)(1)(C).

⁴ See Doc. 27 at 3; *Houston v. Lack*, 487 U.S. 266, 270–71 (1988).

opportunity to request that the time for filing the notice of appeal be extended.”⁵

Fed. R. App. P. 4(b)(4) recites:

Motion for Extension of Time. Upon a finding of excusable neglect or good cause, the district court may—before or after the time has expired, with or without motion and notice—extend the time to file a notice of appeal for a period not to exceed 30 days from the expiration of the time otherwise prescribed by this Rule 4(b).

The Court ordered Mahone to have to and including August 7, 2020, to file evidence of good cause or excusable neglect supporting an extension of time. The notice was served as directed.

The record discloses: (1) notice of the Court’s Order was mailed by the Clerk on July 17, 2020,⁶ to Mahone; (2) more than thirty days have passed since the notice of July 17, 2020,⁷ was mailed to Mahone; and (3) no request for extension of the time for filing notice of appeal has been filed by Mahone.

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⁵ Doc. 29 at 2 (citing Fed. R. App. P. 4(b)(4); *United States v. Ono*, 72 F.3d 101, 103 (9th Cir. 1995) (order); *United States v. Stolarz*, 547 F.2d 108 (9th Cir. 1976)).

⁶ Doc. 30.

⁷ Doc. 30.

ORDERED:

No evidence of excusable neglect or good cause to support an extension of time for filing a notice of appeal has been shown.

DATED this 1st day of September, 2020.


SAM E. HADDON
United States District Judge